UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/48/632/Add.1
16 December 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 114 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Report of the Third Committee (Part II)*

Rapporteur: Mrs. Rosa Carmina Recinos de MALDONADO (Guatemala)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-eighth session the item entitled:

"Human rights questions:

"(a) Implementation of human rights instruments"

and to allocate it to the Third Committee.

2. The Committee considered the item in conjunction with items 115 and 172 at its 36th to 56th meetings, from 17 to 19, 22 to 24, and 26, 29 and 30 November and on 1, 3, 6, 8 and 13 December. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/48/SR.36-56).

3. For the documents before the Committee under this item, see A/48/632.

---

* The report of the Committee on item 114 will be issued in five parts (see also A/48/632 and Adds.2-4).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/48/L.53

4. At the 50th meeting, on 3 December, the representative of Finland, on behalf of Australia, Austria, Belarus, Canada, Costa Rica, the Czech Republic, Denmark, El Salvador, Finland, Gambia, Guatemala, Hungary, Iceland, Italy, Lithuania, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, the Russian Federation, Senegal, Slovakia, Slovenia, Spain, Sweden and Venezuela, joined later by Romania, introduced a draft resolution entitled "International covenants on human rights" (A/C.3/48/L.53).

5. Subsequently, Cyprus and the Philippines joined as sponsors of the draft resolution.

6. At the same meeting, the Committee adopted the draft resolution without a vote (see para. 11, draft resolution I).

B. Draft resolution A/C.3/48/L.61

7. At the 50th meeting, on 3 December, the representative of Canada, on behalf of Argentina, Australia, Austria, Belgium, Cameroon, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, the Netherlands, New Zealand, Norway, Poland, Portugal, Spain and Sweden, later joined by Cameroon and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" (A/C.3/48/L.61).

8. Subsequently, Luxembourg, the Philippines and Slovakia joined as sponsors of the draft resolution.

9. At the same meeting, the Committee adopted the draft resolution without a vote (see para. 11, draft resolution II).

10. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/48/SR.53).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

11. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

International covenants on human rights

The General Assembly,

Recalling its resolution 46/113 of 12 December 1991, and taking note of Commission on Human Rights resolution 1993/15 of 26 February 1993, 1/

Mindful that the International Covenants on Human Rights 2/ constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, 3/ form the core of the International Bill of Human Rights,

Taking note of the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, 4/

Welcoming the fact that the total number of States parties to each of the Covenants has increased significantly through recent ratifications or accessions, while noting at the same time that many States Members of the United Nations have yet to become parties to them or to the Optional Protocols to the Covenant on Civil and Political Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights 5/ and the International Covenant on Civil and Political Rights 5/ and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocols thereto, 6/

1/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 217 A (III).

4/ A/48/507.

5/ Resolution 2200 A (XXI), annex.

6/ See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

Also recognizing the important role of the Committee on Economic, Social and Cultural Rights in the implementation of the International Covenant on Economic, Social and Cultural Rights,

Welcoming the submission to the General Assembly of the annual report of the Human Rights Committee 7/ and the report of the Committee on Economic, Social and Cultural Rights on its seventh session, 8/

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

Noting with satisfaction the ongoing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to improve their methods of work,

Noting with concern the critical situation with regard to overdue reports from States parties to the International Covenants on Human Rights,

Bearing in mind the successful conclusion of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and the adoption of the Vienna Declaration and Programme of Action, 9/ and taking into account in particular the call for strengthening and further implementation of the human rights instruments,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Once again urges all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights;

3. Welcomes the Secretary-General's intention to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants;

7/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 40 (A/48/40).

8/ Official Records of the Economic and Social Council, 1993, Supplement No. 2 (E/1993/22).

9/ A/CONF.157/24 (Part I), chap. III.

4. Invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

5. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. Stresses the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency, so that the justification for and appropriateness of measures taken in these circumstances can be assessed;

7. Stresses the importance of fully taking into account the gender perspective, namely, the need to take into account the specific needs and situation of women in the implementation of the Covenants at the national level, including in the national reports, and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

8. Encourages the States to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

9. Also encourages the States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

10. Takes note with appreciation of the annual reports of the Human Rights Committee submitted to the General Assembly at its forty-seventh 10/ and forty-eighth sessions; 7/

11. Also takes note with appreciation of the reports of the Committee on Economic, Social and Cultural Rights on its sixth 11/ and seventh 8/ sessions;

12. Expresses its satisfaction with the serious and constructive manner in which both Committees are carrying out their function;

10/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40 (A/47/40).

11/ Official Records of the Economic and Social Council, 1992, Supplement No. 3 (E/1992/23).

13. Welcomes the efforts of the Committees to further improve their working methods, in particular by adopting concluding observations containing specific suggestions and recommendations concerning steps States parties could take to implement the Covenants more effectively;

14. Invites the Committees to identify specific needs of States parties that might be addressed through the advisory services and technical assistance programme of the Centre for Human Rights, with the possible participation of members of the Committees where appropriate;

15. Encourages the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to consider further innovations in their working methods, in particular aiming at the prevention of serious human rights violations in their respective fields of competence and the promotion of peaceful solutions;

16. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights, and appeals to other bodies dealing with similar human rights questions to respect these uniform standards, as expressed in the general comments of the Human Rights Committee;

17. Also welcomes the efforts of the Committee on Economic, Social and Cultural Rights in the preparation of general comments on the provisions of the International Covenant on Economic, Social and Cultural Rights;

18. Urges States parties to fulfil in good time such reporting obligations under the International Covenants on Human Rights as may be requested;

19. Also urges States parties to the International Covenant on Economic, Social and Cultural Rights, the specialized agencies and other relevant United Nations bodies to extend their full support and cooperation to the Committee on Economic, Social and Cultural Rights;

20. Further urges States parties to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights;

21. Invites States parties to give particular attention to the dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, as well as the summary records relating to the examination of those reports by the Committees;

22. Encourages all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

23. Requests the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

24. Also requests the Secretary-General, in accordance with the Vienna Declaration and Programme of Action, 12/ to make appropriate arrangements for additional resources from within the regular budget to be provided to the Human Rights Committee for dealing in an effective and timely manner with the increasing workload under the First Optional Protocol to the International Covenant on Civil and Political Rights;

25. Further requests the Secretary-General to ensure that the Centre for Human Rights of the Secretariat effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates;

26. Once again urges the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps to give more publicity to the work of that Committee and, similarly, to the work of the Committee on Economic, Social and Cultural Rights;

27. Requests the Secretary-General to submit to the General Assembly at its fiftieth session, under the item entitled "Human rights questions", a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.

DRAFT RESOLUTION II

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 47/111 of 16 December 1992, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of

---

12/ A/CONF.157/24 (Part I), chap. III, part II, paras. 9-12.

Human Rights, 13/ to promote universal respect for and observance of human rights and fundamental freedoms,

Also reaffirming its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, further reaffirming the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Recalling the conclusions and recommendations of the second meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988, 14/ and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 47/111 and the Commission on Human Rights in its resolution 1993/16 of 26 February 1993,

Noting the meeting, within the framework of the World Conference on Human Rights, of persons chairing treaty bodies together with those persons chairing each of the principal regional and other human rights bodies, 15/

Taking particular note of the conclusions and recommendations of the third and fourth meetings of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990, 16/ and from 12 to 16 October 1992, 17/ respectively,

Expressing concern about the increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Taking note of the reports of the Secretary-General 18/ on progress achieved in enhancing the effective functioning of the treaty bodies,

---

13/ Resolution 217 A (III).

14/ See A/44/98, sect. VII.

15/ A/CONF.157/24 (Part II), chap. VI.

16/ See A/45/636, annex.

17/ See A/47/628, annex.

18/ A/44/539, A/46/503 and A/48/508.

Taking note also of the relevant paragraphs of the Vienna Declaration and Programme of Action, 19/

Welcoming the interim report of the updated study by the independent expert on possible long-term approaches to enhancing the effective operation of the treaty system, 20/

1. Endorses the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, as well as the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence;

2. Notes with satisfaction the interim report of the updated study by the independent expert on possible long-term approaches to enhancing the effective operation of the treaty system and requests that the Commission on Human Rights review the proposals contained in the independent expert's final report with a view to recommending further action;

3. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

4. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

5. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies 17/ and by the Commission on Human Rights on the importance of technical assistance and advisory services and, further to this end:

(a) Endorses the request of the Commission that the Secretary-General report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

6. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

19/ A/CONF.157/24 (Part I), chap. III.

20/ A/CONF.157/PC/62/Add.11/Rev.1.

(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission on Human Rights at its fiftieth session and to the General Assembly at its forty-ninth session;

7. Urges States parties to notify the Secretary-General, as depository of the International Convention on the Elimination of All Forms of Racial Discrimination 21/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 22/ of their acceptance of the amendments approved by the States parties and the General Assembly for the purpose of funding the respective committees from the regular budget;

8. Calls upon all States parties to fulfil without delay and in full their financial obligations, including their arrears, under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment until the amendments enter into force;

9. Requests the Secretary-General to continue to take the necessary measures to ensure that the two committees established under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment meet as scheduled until the amendments enter into force;

10. Welcomes the report of the Secretary-General on the effective implementation of the conclusions and recommendations of the fourth meeting of persons chairing treaty bodies, held in October 1992, particularly the meeting of chairpersons held at Vienna on 15 and 16 June 1993, within the framework of the World Conference on Human Rights, together with those persons chairing each of the principal regional and other human rights bodies, which adopted the "Vienna statement of the international human rights treaty bodies"; 23/

11. Requests the Secretary-General to take the appropriate steps in order to continue financing the biennial meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations;

12. Decides to continue giving priority consideration, at its forty-ninth session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

21/ Resolution 2106 A (XX), annex.

22/ Resolution 39/46, annex.

23/ A/CONF.157/TBB4 and Add.1.